

Electronically filed April 1, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Catherine Lin-Hendel	Confirmation No.:	3789
Serial No.:	09/577,190	Art Unit:	2179
Filed:	May 23, 2000	Examiner:	Theriault, Steven B.
For:	A Method and System for One-Click Navigation and Browsing of Electronic Media and Their Category Structure as Well as Tracking the Navigation and Browsing Thereof	Attorney Docket No.:	101156-5004-US
		Date:	April 1, 2010

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection dated December 1, 2009 for the above identified patent application. No amendments are being filed with this Request.

This Request is being filed with a Notice of Appeal along with the appropriate fees.

Petition for Extension of Time under 37 CFR § 1.136. It is respectfully requested that the time for response to the Final Office Action dated December 1, 2009 be extended for a period of one month from March 1, 2010 to April 1, 2010. The Commissioner is hereby authorized to charge any required fee(s) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 101156-5004-US).

This review is requested because the cited references do not contain many of the independent claim elements.¹ Furthermore, this review is requested because the Examiner has neither accepted nor rejected the previously submitted figures and specification.²

¹ For purposes of this pre-appeal brief, only certain claims have been discussed. The Applicants will address all of the remaining claims in the Appeal Brief pending the outcome of this requested Pre-Appeal Brief Conference.

² In the response filed July 24, 2009, revised figures and a substitute specification were provided. The Examiner neither accepted nor rejected the figures and specification. Therefore, as a preliminary matter, it is respectfully requested that the substitute specification and amended revised figures provided in the July 24, 2009 response be accepted.

A. Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-22 and 29-51 under 35 U.S.C. § 103 as being unpatentable over Gennaro et al. (US 5,742,768), and rejected these same claims alternatively under 35 U.S.C. § 103 as being unpatentable over Gennaro in view of Chang et al. (US 6,091,415). The pending claims in this application are 1-22 and 29-54, which include independent claims 1, 22, 29, 31, 42, 45, 50, 51, and 52. As explained in more detail below, the Examiner clearly erred in rejecting this application because the Examiner omitted at least one essential element needed for a *prima facie* rejection of at least claims 52 and 42 as well as claims 1, 22, and 50.

1. Independent claim 52³ and related claims

First, the references do not teach “*a categorization structure for substantially all of a website*” of claim 52. The Examiner admits that Gennaro does not teach this element. (12/01/09 Office Action, page 5.) The Applicants agree with the Examiner’s analysis.⁴

Chang does not remedy the deficiencies of Gennaro. Chang’s invention is not a website application. Chang mentioned the scope of his dictionary application to include electronic diary and electronic organizer. Chang’s invention relates to displaying messages in multiple levels of dialog boxes in an environment of window display. (See Column1 lines 13-18) Chang does not teach website navigation, or displaying categorical structure of the website, nor does it teach accessing of pages beyond and outside of a specific page displayed in a specific window display. Chang merely teaches a method to generate, display, keep open, or close multiple dialog boxes containing information regarding a specific selected

³ Independent claim 52 states:

A system for navigating and browsing electronic media, comprising:

a device enabling viewing of digitally stored information, the device being configured to display at least portions of a **categorization structure for substantially all of a website** having a plurality of nested cascading category levels, each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on at least one storage device, each category title having a selectable link-token to the stored content for said each category title, said each category title also being coupled to a nested subcategory structure of said each category title, the nested subcategory structure of said each category title comprising link-tokens of category titles wherein said each category title and the category titles in the different plurality of category levels are able to be browsed independently of having to select and retrieve the stored content for any title from the at least one storage device, **wherein the categorization structure enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.**

(Emphasis added.)

⁴ Gennaro teaches a plurality of hot spots on an initial web page that each correspond to a portion of the website content. (See Gennaro, Figure 2B with hot spots for “Who we are,” “Global Sites,” “Customer Support” etc; see also Col. 4, lines 24-27.) Furthermore, Gennaro teaches in Col. 5 line 1, that in order to see the overall structure of a web site, “menus” (plural) are used. These two quotes show that

object within a window display. Specifically, Chang teaches a dictionary application where the dialog boxes contain language interpretation and usage information regarding a specific word in a document. (See, for Example Chang Figures 5A-5D, column 2, and Sheet 11.) Chang teaches that a principle dialog box maybe opened by dragging a pointing device below a selected object (such as a word in an electronic document displayed in a window), and subordinate dialog boxes may be opened when a mouse hovers over an icon within a principle dialog box. Chang's method does not even teach navigation of the document. Furthermore, the only information that may be retrieved in Chang's multiple dialog boxes is information relevant to the originally selected word in the document. *Id.* Information irrelevant to that word is not obtainable from Chang's multiple cascading dialog boxes. Therefore, the information revealed within any of Chang's dialog boxes is not "*a categorization structure for substantially all of a website.*"

Furthermore, Gennaro also does not teach a "*categorization structure [that] enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.*"

Gennaro teaches that information content is linked "from an initial displayed web page." (Gennaro, Col. 4, line 63.) Under Gennaro, each embedded menu is created by an applet and uniquely corresponds to its particular hotspot. As such, the only page that allows browsing of the overall structure is the initial web page, with several hotspots each corresponding to a distinct applet for displaying the corresponding menu for that hotspot. (Gennaro, Col. 4 line 66 – Col. 5, line 2 and Figure 2A and 2B.) As such, Gennaro does not teach displaying a categorization structure that is viewable and browsable from any page in the website. Gennaro states, "For example, an operator of web server 18 can create a web site for which the initial web page can display, through the use of embedded menus, the overall structure of the web site..." (Gennaro, Col. 4 line 66 – Col. 5 line 2, emphasis added.) Therefore, at the most, Gennaro teaches that only the initial web page can be used to browse anywhere in the web site. As such, Gennaro does not teach that "*categorization structure [that] enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.*"

Gennaro teaches using multiple hot spots and multiple menus. Gennaro does not teach having one hot spot with a hidden menu4 that contains "a categorization structure for substantially all of a website."

Chang does not remedy the deficiencies of Gennaro in this respect either. As stated above, Chang merely teaches using multiple dialog boxes to display electronic dictionary and language interpretation tools. (See, for Example Chang Figures 5A-5D and Sheet 11.) The only information that may be retrieved in the multiple dialog boxes is information relevant to the original selected word in the document. *Id.* Information irrelevant to that word is not obtainable from the multiple cascading dialog boxes of Chang. Therefore, Chang does not teach a “*categorization structure [that] enables a user viewing content of any category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.*”

In addition to the reasons above, claim 29 is also patentable for an additional reason. Claim 29 requires “a starting symbol,” i.e., a single hotspot represented by an icon occupying minimal space on a webpage, which contains the hidden categorization structure for navigating substantially all of the website. Chang does not teach hot spots associated with a website’s categorization structure at all. In fact, Chang’s invention is only related to objects in content contained in a single page window display environment. Gennaro teaches multiple hot spots with its menu name displayed on the webpage, occupying a substantial portion of the webpage real estate.

2. Independent claim 42⁵ and related claims

Gennaro and Finseth do not teach every element of claim 42. Specifically they do not include a tracking string as claimed. An example of the claimed tracking string is shown as element (702) in Figure 7A “Art & Antiques | Arts.” The tracking string (702) allows a user to see the items at the same level as “Arts” under the “Arts” portion of the tracking string as shown in Figure 7B, and allows a user to see the items at the same level as “Arts & Antiques” under the “Arts & Antiques” portion of the tracking string as shown in Figure 7C of the Application, depending on which portion is “moused over (using a pointing or touching device to cause the movement of the cursor)” by the user.

⁵ A system with one or more processors and memory that enables digitally stored information to be viewed on a user interface, comprising:

a cursor controllable by a user;
a content display region configured to display the electronic media content;
a tracking string display region that represents a path to the particular electronic media content being displayed in the content display region, the tracking string display region being responsive to movement of the cursor and comprising a plurality of separate link portions;
a tracking string category navigation region that, only upon movement by the cursor over one of the link portions, displays a plurality of tracking string category links to electronic media content at the same path level as the link portion.
(Emphasis added.)

Neither Gennaro nor Chang teach “a tracking string display region that represents a path to the particular electronic media content being displayed in the content display region, the tracking string display region being responsive to movement of the cursor and comprising a plurality of separate link portions.” The Examiner does not cite Chang for this tracking string element, as indeed it does not teach it. The Examiner cites Gennaro Column 3, lines 40-67 and Column 4, lines 40-67 for this tracking string element.

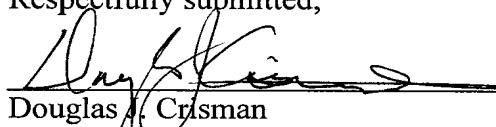
However, this portion of Gennaro states that when a link is selected, the status bar reflects the URL associated with the particular link selected. Gennaro, Col. 4, lines 42-46.) In other words it is a location identifier of the place the user could go. It does not indicate where the user has already browsed from. In other words, it does not represent a path to the particular electronic media content being currently displayed in the content display region. Furthermore, it is not separately selectable. It certainly does not have separately selectable link portions. No portion of Gennaro’s URL associated with a particular link could be used to display category links to electronic media content at the same path level as that selected portion. Therefore, numerous portions of claim 42 are not taught by Gennaro.

B. Conclusion

For at least the reasons outlined in sections 1 and 2 above, it is respectfully submitted that neither Gennaro alone nor Gennaro combines with Chang discloses, teaches, or suggests all of the limitations of the above discussed claims, their dependant claims, or the claims that are similar to them. In light of the above amendments and remarks, the Applicant respectfully requests allowance of at least claims 42 (as well as 1-21, 22, 29, 30, and 52-54) and 52 (as well as 42-44 and 50).

Respectfully submitted,

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